

C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE: Dec. 6, 1989

SUBJECT: Set Public Hearing for December 20, 1989, Regarding Notice
 of Public Nuisance and Order to Abate issued on property
 located at 713 South Sacramento Street, Lodi, California.

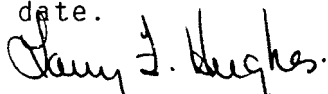
RECOMMENDED ACTION: That the City Council set a public hearing for
December 20, 1989, regarding Notice of Public Nuisance and
Order to Abate issued on the property located at 713 South
Sacramento Street, Lodi, California, and further described as
Assessors Parcel No. 045-240-07.

BACKGROUND INFORMATION: On June 16, 1989, an inspection of
the premises was conducted by fire inspector Don Hawkinson.
As a result of this inspection a Notice of Public Nuisance and
Order to Abate was issued by inspector Hawkinson on June 21,
1989. This Notice was mailed to the legally listed property
owner, Ms. Angelantinio De Rubis of Washington, D.C., by
certified mail with a return receipt requested. This letter
was returned marked "Unclaimed".

On July 27, 1989, inspector Hawkinson again inspected the
property. He issued a second Notice of Public Nuisance and
Order to Abate on July 28, 1989, and mailed it to Ms. De Rubis
by certified mail with a return receipt requested. This letter
was signed for by Angelantinio De Rubis on August 1, 1989.

On August 27, 1989, Fire Marshal Steve Raddigan spoke with
Ms. De Rubis by telephone and granted an extension of the com-
pliance date for demolition of the buildings on the property
until October 7, 1989, and followed up on the conversation with
a letter to Ms. De Rubis stating that the extension has been
granted and that if no action had been taken by her on or
before October 7, 1989, that he would proceed with the abatement
proceedings. He also informed her that this process would in-
volve the City Council ordering the building: demolished and
assessing the cost of demolition work to the property.


Ms. De Rubis was notified by letter on November 16, 1989,
that this item would be on the December 6, 1989, City Council
agenda. She will be properly notified of the public hearing
date.



Larry F. Hughes
Fire Chief

OCT 31 '89
City Manager's Office

L O D I F I R E D E P A R T M E N T
M E M O R A N D U M

TO : Tom Peterson, City Manager
FROM : Steve Ruddigan, Fire Marshal 
DATE : October 30, 1989
SUBJECT: NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE issued
on July 28, 1989, for 713 South Sacramento Street,
Lodi, CA, assessor's parcel number 045-240-07

Recommended Action:

This matter be placed on the agenda for December 6, 1989.

Background:

On the premise are two abandoned buildings. One was a garage; the other a two-room structure. Neither building is served by any utilities. Both are in disrepair.

In June of this year, while checking for weed abatement, it was noted that both buildings are open, unsecured, and totally accessible. There was evidence that people had been in the buildings.

The property owner, Ms. Angelantonio DeRubis, lives in Washington, D.C., and on June 21, 1989, she was sent a NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE via certified mail. The letter which bore a City of Lodi Fire Prevention Bureau return address went "unclaimed" and was returned July 16, 1989.

On July 28, 1989, a second NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE was sent to Ms. DeRubis in a plain envelope. It was delivered by the post office and signed for by her on August 1, 1989.

On August 27, 1989, I called Ms. DeRubis at her home in Washington, D.C., to discuss this matter with her. As a result of this conversation, Ms. DeRubis was granted an extension to October 7, 1989.

On September 7, 1989, Inspector Hawkinson posted the property in question with copies of the July 28, 1989, NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE letter. Copies were attached to the garage and to the two-room structure.

Tom Peterson
October 30, 1989
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On October 25, 1989, the premises was inspected and both structures found to be in noncompliance. As of the date of this memo, the Fire Prevention Bureau has had no contact or communication from Ms. DeRubis or anyone acting as her agent.

Attached is a copy of the NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE and the letter grsnting the extension.

I am required to advise all interested parties ten days prior to the scheduled hearing date.

Please advise me of the date and additional information that will be necessary to be presented.

SR/lm

Attachments

CITY OF LODI

FIRE DEPARTMENT

FIRE PREVENTION BUREAU
210 WEST ELM STREET
LODI, CALIFORNIA 95240

(209) 333-6739

NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE

July 28, 1989

Ms. Angelantonio DeRubis
2755 Ordway Street NW 406
Washington, DC 20008

Dear Ms. DeRubis:

RE: 713.SOUTH SACRAMENTO STREET

NOTICE OF PUBLIC NUISANCE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: Assessor Parcel No. 045-240-07. Said property is more commonly known as 713 South Sacramento Street, Lodi, CA 95240.

As the property owner, you are hereby notified that the undersigned Fire Inspector of the City of Lodi has inspected said property and declared it to be a PUBLIC NUISANCE as defined and prescribed for by Section 2.201(b) of the Fire Code of the City of Lodi.

INSPECTIONS AND VIOLATIONS

On June 16, 1989, and again on July 27, 1989, the undersigned Fire Inspector caused said property to be inspected. The following violations were discovered:

1985 Uniform Fire Code

Sec. 2.201. (b) All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster

Ms. Angelantonio DeRubis
July 28, 1989
Page 2

damage or abandonment as specified in this code or any other effective ordinance, are, for the purpose of this section, unsafe buildings.

1985 UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS

Sec. 302. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children; a harbor for vagrants, criminals or immoral persons; or as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal to be a fire hazard.

VIOLATIONS:

1. The structures have become so dilapidated or deteriorated as to become an attractive nuisance to children.
2. The buildings are not secure creating an attractive nuisance to children and a harbor for vagrants, criminals or immoral persons.

DETERMINATION

As a result of the foregoing violations, the undersigned Fire Inspector has declared the property to be a PUBLIC NUISANCE and has therefore made the following determination:

1. The structures on the property in question shall be repaired to the extent that it meets or exceeds the standards in the Building Code or shall be demolished.
2. That the structures be properly secured pending repair or demolition.

Ms. Angelantonio DeRubis
July 28, 1989
Page 3

Appropriate building, plumbing, mechanical, electrical or other permits shall be obtained from the City of Lodi prior to the commencement of any work required herein.

The property owner may, if he desires, demolish said structure and clear the property of all rubbish and debris in lieu of attempting repairs. Demolition work shall be subject **to the** review of the Building Official in accordance with provisions set forth in Section **4409** of the Building Code of **the** City of Lodi.

In all cases, the required work is subject to inspection and approval of the Building Official and Fire Marshal.

TIME PERIOD FOR COMPLIANCE

1. The structures shall be secured within fifteen (15) days of this Notice.
2. All repair and/or demolition work required shall begin within thirty (30) days of this Notice and shall be completed within ninety (90) days of this Notice.

ORDER TO ABATE

Pursuant to Section 401(b) of the Uniform Code for Abatement of Dangerous Buildings, this Notice constitutes an ORDER to you, the owner of the property in question, TO ABATE the substandard conditions listed herein in a manner and within the time determined above.

APPEAL

Property owners, **or** those with legal interest in the property who are served with this Notice may appeal the same to the City Council of the City of Lodi under Section **15.28.070** of the Lodi Municipal Code. The appeal which shall be in writing shall state the substance of the order appealed from, shall be submitted to the City Council in care of the City Clerk (221 **West** Pine Street, Lodi, CA **95240**) within ten (10) days from the date of personal service **or** mailing of the order which is being appealed.

FAILURE TO COMPLY

Whenever an order to repair, vacate and repair, or demolish any building or structure, or any portion thereof, has not been complied with within the time set, whether under appeal or not, the City Council shall have the power, in addition to any other remedy herein provided, to:

Ms. Angelantonio DeRubis

July 28, 1989

Page 4

1. Cause the material of any such building or structure to be sold in any manner that the Council may determine upon; provided, however, that any such sale shall be upon condition that the building or structure be forthwith demolished, the wreckage and debris thereof removed and the lot cleaned, The Council may sell any such building singly or otherwise. Any surplus from the sale of any such building or structure, or group of buildings and structures, over and above the cost of demolition and of cleaning the site shall be retained to be distributed to the parties or persons lawfully entitled thereto.

2. Cause the building or structure to be repaired or demolished, The cost thereof shall be assessed against the property upon which the particular building or structure is located. The repair or demolition of any building or structure, or sale of the materials thereof, shall be by a contract awarded following advertisement for bids, to the lowest and best bidder in the case of repair or demolition work and to the highest and best bidder in the case of the sale of material.

Should you require additional information, please contact this office.



Donald N. Hawkinson
Fire Inspector

DH/lm

cc: City Attorney
San Joaquin County Local Health District
Chief Building Inspector

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and address of address. 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:
Ms. Angelantonio DeRubis
2755 Ordway Street NW 406
Washington, DC 20008

4. Article Number
P 104 758 134

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
X *Angelantonio DeRubis*

6. Signature - Agent
X

7. Date of Delivery
8/1/89

8. Addressee's Address (ONLY if requested and fee paid)

WASHINGTON DC 20008
1989
23
5
104 758 134

PS Form 3811, Mar. 1988

U.S.G.P.O. 1988-212-865

DOMESTIC RETURN RECEIPT

P 104 758 134

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to
Ms. Angelantonio DeRubis
Street and No.
2755 Ordway Street NW 406
P.O. State and ZIP Code
Washington, DC 20008

Postage	545
Certified Fee	85
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	90
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$220

Postage for Date 7/28/89
23
1989
mailed approx. 1440 hrs 7/28/89 at 2755 P.O. Washington DC 20008
Release Stamps with no local postmark

PS Form 3800, June 1985

CITY OF LODI
FIRE DEPARTMENT

FIRE PREVENTION BUREAU
210 WEST ELM STREET
LODI, CALIFORNIA 95240

(209) 333-6739

September 8, 1989

Ms, Angelantonio DeRubis
2755 Ordway Street NW 406
Washington, DC 20008

Dear Ms. DeRubis:

RE: 713 SOUTH SACRAMENTO STREET, LODI, CALIFORNIA

As a result of our telephone conversation on August 27, 1989, I am extending the compliance date for demolition of the structures located on the property at 713 South Sacramento Street, to October 7, 1989. This extension is granted based on your stated intention to contact someone to have the buildings removed,

If after October 7, 1989, demolition has not been started, I will proceed with the abatement proceedings. This will involve the City Council ordering the buildings demolished and the cost being assessed to the property or other as provided by law,

Your cooperation would be appreciated.

Sincerely in service,

Steven Raddigan
Steven Raddigan
Fire Marshal

SR/lm

*411 mufd
4/18/91
4-22-91
4-22-91*